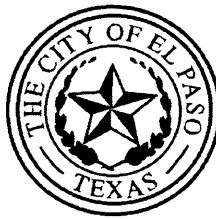


JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
JUNE 6, 2006
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:36 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Melina Castro, Presi Ortega, Jr., Steve Ortega, and Beto O'Rourke. Absent: None. Late arrivals: Jose Alexandro Lozano and Eddie Holguin, Jr. at 8:59 a.m. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

.....
MAYOR'S PROCLAMATIONS

MYASTHENIA GRAVIS AWARENESS MONTH

Mr. Pete Hollen commented.

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

Motion made by Representative Byrd, seconded by Representative Steve Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow a member of the audience to participate in call to the public after 9:00 a.m.

1. Ms. Lisa Turner commented on the downtown plan.

Mayor Cook and Representative Lozano commented.

2. Mr. H. Vanoy Barton commented on city funds.

3. Mr. Pete Hollen commented on the streetlights for the Tierra del Este Estates and thanked the Mayor and Council. He also commented on the certificates of occupancy issues.

4. Mr. Ken Lucero commented on the downtown revitalization plan.

Mayor Cook and Representatives Lozano, Byrd, Steve Ortega, Holguin, and Presi Ortega, Jr. commented.

Mr. Charlie McNabb, City Attorney, commented.

5. Mr. Ray Gilbert commented on an ordinance scheduled for public hearing on June 13, 2006.

Mayor Cook and Representatives Lozano and Presi Ortega, Jr. commented.

Mr. Charlie McNabb, City Attorney, commented.

6. Mr. Richard Dayoub announced that Ms. Joyce Wilson, City Manager, has been named Administrator of the Year for 2006 and the inaugural City Council of the Year Award was given to the El Paso City Council by the Texas City Management Association.

Mayor Cook and Ms. Joyce Wilson, City Manager, commented.

7. Mr. Matthew Carroll commented on the Northeast quarry lease.

Mayor Cook and Representatives Steve Ortega, Holguin, and Lozano commented.

Mr. Charlie McNabb, City Attorney, commented.

.....
Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk [*]).

AYES: Representatives Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke

NOT PRESENT FOR THE VOTE: Representative Lilly

.....
*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for Regular City Council Meeting of May 30, 2006, and Special City Council Meeting Minutes of May 23, 2006.

Representative Lilly was not present for the vote.

.....
***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign a Lessor's Approval of Sublease between the City of El Paso ("Lessor"), Cutter Aviation El Paso Limited Partnership ("Lessee") and Border Aviation ("Sublessee") regarding a portion of the premises located at 1771 Shuttle Columbia Drive, El Paso, Texas.

Representative Lilly was not present for the vote.

.....
***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign a Lessor's Approval of Sublease between the City of El Paso ("Lessor"), Cutter Aviation El Paso Limited Partnership ("Lessee") and Med Flight Air Ambulance, Inc. ("Sublessee") regarding a portion of the premises located at 1771 Shuttle Columbia Drive, El Paso, Texas.

Representative Lilly was not present for the vote.

.....
***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign a Lessor's Approval of Sublease between the City of El Paso ("Lessor"), Cutter Aviation El Paso Limited Partnership ("Lessee") and Volare Air Charter Co. ("Sublessee") regarding a portion of the premises located at 1771 Shuttle Columbia Drive, El Paso, Texas.

Representative Lilly was not present for the vote.

.....
*Motion made, seconded, and unanimously carried to **RE-APPOINT** Anna Duenez to the Community Development Steering Committee by Representative Jose Alexandro Lozano.

Representative Lilly was not present for the vote.

.....
*Motion made, seconded, and unanimously carried to **APPROVE** installation, power, and maintenance of residential streetlight at the following location:

Between 126 and 130 Glenwood Street. Estimated cost is one thousand five hundred ninety-eight dollars (\$1,598.00).

Representative Lilly was not present for the vote.

.....
*Motion made, seconded, and unanimously carried to **APPROVE** the Deputy Director for Financial Services to reject the bids submitted for Solicitation No. 2006-087, Card Activated Security Gates and Control System for Municipal Service Center for the General Services Department. Financial Services and the General Services Departments recommend rejecting all bids. This requirement will be reviewed and evaluated to determine if a re-bid with revised specifications is necessary or if upgrading and expanding the existing system utilized by the Police Department will meet the requirements.

Representative Lilly was not present for the vote.

.....
*Motion made, seconded, and unanimously carried to **POSTPONE** for one week (1) the request that the Deputy Director for Financial Services, Purchasing Division, be authorized to issue a purchase order to Medtronic Emergency Response Systems, Inc. Medtronic Emergency Response Systems, Inc. is the authorized technical service representative providing manufacturer authorized maintenance. Medtronic Emergency Response Systems, Inc. is the sole provider for LifePak Defibrillators products, its parts, accessories, repairs, and services. Award amount is \$89,977.84/year.

Additionally, it is requested that staff be authorized to negotiate, Legal to review, and that the City Manager be authorized to sign any and all additional documents as necessary.

Total Award amount: \$359,911.36
Funds Available: 22010319-01011-502229
Funding Source: General Funds SCBA & Logistic, Office Equipment Maintenance Contracts
Department: Fire

Representative Lilly was not present for the vote.

.....
Motion made by Representative Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance annexing all of Tracts 2B and 2B2, Section 46, Block 79, Township 2, Texas & Pacific Railroad Company Surveys, El Paso County, Texas, to the City of El Paso, Texas.
- B. An Ordinance annexing all of Tract 1B, Section 26, Tract 11C2, Section 34, Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas & Pacific Railroad Company Surveys, and a portion of Montana Avenue (Highway 62) right-of-way, El Paso County, Texas, to the City of El Paso, Texas.

- C. An Ordinance annexing a portion of Section 16, Block 79, Township 3, Texas & Pacific Railroad Company Surveys, El Paso County, Texas, to the City of El Paso, Texas.
- D. An Ordinance annexing a portion of Tract 2, Section 34, Block 79, Township 2, Texas & Pacific Railroad Company Surveys, El Paso County, Texas, to the City of El Paso, Texas.
- E. An Ordinance annexing a portion of Sections 35, 37, 38, 39, 46, and 47, Block 79, Township 2, Texas & Pacific Railroad Company Surveys, and a portion of Zaragoza Road (FM 659) right-of-way El Paso County, Texas to the City of El Paso, Texas.
- F. An Ordinance annexing a portion of Section 45 and 46, Block 79, Township 2, Texas & Pacific Railroad Company Surveys, El Paso County, Texas, to the City of El Paso, Texas.
- G. An Ordinance amending Title 20 (Zoning), Chapter 20.52 (S-D Special Development District) of the El Paso City Code by amending Subsection 20.52.165 B. (Yard Standards) to allow an applicant to reduce the minimum yard standards of Subsection 20.52.165 A. for all permitted uses in the S-D (Special Development) District by submitting a detailed site development plan in accordance with Section 20.04.150 of the El Paso City Code. The penalty is as provided in Chapter 20.68 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JUNE 20, 2006, FOR ITEMS A – G

- H. An Ordinance changing the zoning of a portion of Tract 5, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso, El Paso County, Texas, from Q/SC (Quarry/Special Contract) to R-3A/Special Contract (Residential/Special Contract). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Applicant: Carefree Land Company. ZON06-00021
- I. An Ordinance granting Special Permit No. ZON06-00015 to allow for a planned residential development on a portion of Tract 5, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys and replat of Lots 28-35, Block 1, The Estates at Los Paseos, El Paso, El Paso County, Texas, pursuant to Section 20.12.040 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.68 of The El Paso City Code. Applicant: Carefree Land Company. ZON06-00015
- J. An Ordinance changing the zoning of the following real property described as: Parcel 1: a portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-4 (Commercial); Parcel 2: a portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-3 (Commercial); Parcel 3: a portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys; El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-2 (Commercial); Parcel 4: a portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-2 (Commercial) and imposing conditions; Parcel 5: a portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to PR-1 (Planned Residential 1); Parcel 6: a portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-4 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: North of Montana Avenue and East of Loop 375. Applicant: East Montana Joint Venture. ZON06-00049

- K.** An Ordinance changing the zoning of Parcel 1: a portion of Section 16, Block 79, Township 3, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-3A (Residential); Parcel 2: a portion of Section 16, Block 79, Township 3, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to A-2 (Apartment); and Parcel 3: a portion of Section 16, Block 79, Township 3, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-3 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: East of Joe Battle Blvd. and South of Vista Del Sol Drive. Applicant: Carefree Land Company. ZON06-00051
- L.** An Ordinance changing the zoning of the following real property described as: Parcel 1: a portion of Sections 35, 26, 27, 38, 39, 46, and 47, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential); Parcel 2: a portion of Sections 35, 26, 27, 38, 39, 46, and 47, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-4 (Commercial) and imposing conditions; Parcel 3: a portion of Sections 35, 26, 27, 38, 39, 46, and 47, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-2 (Commercial) and imposing conditions; Parcel 4: a portion of Sections 35, 26, 27, 38, 39, 46, and 47, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential); Parcel 5: a portion of Sections 35, 26, 27, 38, 39, 46, and 47, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-2 (Commercial) and imposing conditions; Parcel 6: a portion of Sections 35, 26, 27, 38, 39, 46, and 47, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-2 (Commercial) and imposing conditions; Parcel 7: a portion of Sections 35, 26, 27, 38, 39, 46, and 47, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to A-2 (Apartment); Parcel 8: a portion of Sections 35, 26, 27, 38, 39, 46, and 47, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential); Parcel 9: a portion of Sections 35, 26, 27, 38, 39, 46, and 47, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-4 (Commercial) and imposing conditions; Parcel 10: A portion of Sections 35, 26, 27, 38, 39, 46, and 47, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-4 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Zaragoza Road and Pebble Hills Blvd. Applicant: Ranchos Real IV, LTD. ZON06-00052

PUBLIC HEARING WILL BE HELD ON JUNE 27, 2006, FOR ITEMS H – L

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8:00 a.m. to 5:00 p.m.

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega Jr., Holguin, Steve Ortega, and O'Rourke

NO ACTION WAS TAKEN on the following item:

Presentation and invitation to the Kennedy Family to come to El Paso, Texas, in September or October 2006, at their convenience, for an El Paso tribute to President John F. Kennedy.

Mayor Cook commented.

Judge William Moody presented a PowerPoint presentation (on file in the City Clerk's office).

*Motion made, seconded, and unanimously carried to **DELETE** the discussion and action from the Manufacturing Cabinet of the El Paso Lyceum regarding recommendations to Council on the following items:

- The development of the original video regarding manufacturing
- Establishing a position within the City to support the Maquiladora industry
- A regional strategy planning process for manufacturing

Representative Lilly was not present for the vote.

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

- WHEREAS,** the El Paso Housing Finance Corporation (the AIssuer@) was duly created and organized pursuant to and in accordance with the provisions of the Texas Housing Finance Corporations Act, Chapter 395, Texas Local Government Code, as amended, for the purpose of providing a means of financing the costs of residential ownership and development that will provide decent, safe, sanitary housing for persons of low and moderate income at prices they can afford; and
- WHEREAS,** the Issuer has determined to issue its Multifamily Housing Revenue Bonds (Amberwood Project) Series 2006 (the ABonds@) for the purpose of providing additional funding to certain qualified low and moderate income residents of the City to afford the costs of decent, safe, and sanitary housing located within the City of El Paso, Texas, and
- WHEREAS,** the Issuer has conducted and held a public hearing regarding issuance of the Bonds on April 6, at 11:00 a.m. pursuant to the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended; and
- WHEREAS,** the City approves and encourages the Issuer in its efforts to accomplish the issuance of the Bonds and, as part of such transaction, is willing to provide its General Certificate, and for the Mayor of the City to provide his Certificate concerning the conduct of the Public Hearing on April 6, 2006, copies of which are both attached hereto as Exhibits to this Resolution and made a part hereof for all purposes; and
- WHEREAS,** the City Council of the City of El Paso hereby authorizes the Mayor to execute both the said General Certificate of the City of El Paso and the Mayor=s Certificate, and deliver same to the Issuer.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of El Paso, Texas, that:

1. The Preambles to this Resolution set forth above are incorporated herein and made part of this Resolution.
2. The Mayor of the City of El Paso is hereby authorized to execute a General Certificate of the City of El Paso and the Mayor=s Certificate in the form attached as Exhibits to this Resolution and deliver same to El Paso Housing Finance Corporation to be used in connection with the issuance of its Bonds.

Mayor Cook and Representatives Lozano, Castro, and Holguin commented.

Mr. Norman Gordon, El Paso Housing Finance Corporation, and Mr. Chad Rennaker, Developer from PacifiCap, commented.

Mr. Richard Schecter, citizen, commented.

Motion made by Representative Byrd, seconded by Representative Steve Ortega, and carried to **APPROVE** the above resolution.

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Steve Ortega, and O'Rourke
NAYS: None
ABSTAIN: Representative Holguin

.....
NO ACTION WAS TAKEN on the following item:

Discussion and action on installing a speed hump, and/or other traffic control device, on Rose Lane as requested by residents on the attached petition and supported by Representative Jose Alexandro Lozano.

Mayor Cook and Representatives Lozano and Steve Ortega commented.

The following members of City staff commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Rick Conner, Engineering Department

.....
NO ACTION WAS TAKEN on the following item:

Presentation by Navigant Consulting regarding the assessment of the El Paso Electric Company's operating expenses pursuant to the Rate Agreement entered into by and between the City of El Paso and the El Paso Electric Company, effective July 1, 2005.

Mayor Cook and Representatives Steve Ortega, O'Rourke, Presi Ortega, Jr., Lilly, and Byrd commented.

The following members of City staff commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. William Studer, Financial and Administrative Services

Mr. Michael Adams, Director of Navigant Consulting, presented a PowerPoint presentation (on file in the City Clerk's office).

Mr. Norman Gordon, Utility Counsel, commented.

Mr. Richard Schechter and Ms. Lisa Turner, citizens, commented.

.....
*Motion made, seconded, and unanimously carried to **DELETE** an Ordinance changing the zoning of the Lots 11-15, Block 57, Alexander Addition, El Paso, El Paso County, Texas, from S-D/SC (Special Development/Special Contract) to A-O/SC (Apartment/Office/Special Contract). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 200 E. Schuster Avenue. Applicant: Dr. Orestes Moldes. ZON06-00032.

Representative Lilly was not present for the vote.

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ORDINANCE 16371

The Deputy City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO REGENT COMMUNICATIONS - EL PASO TO TEMPORARILY CLOSE A PORTION OF SANTA FE STREET BETWEEN FRANKLIN AVENUE AND SAN ANTONIO AVENUE; SAN FRANCISCO AVENUE (TROLLEY LANE) BETWEEN SANTA FE STREET AND EL PASO STREET; DURANGO STREET (ACCESS ROAD ABUTTING CONVENTION CENTER) BETWEEN SAN FRANCISCO AVENUE AND SAN ANTONIO AVENUE; AND MAIN DRIVE BETWEEN SANTA FE STREET AND EL PASO STREET FROM 6:00 A.M. ON FRIDAY, JUNE 30, 2006, THROUGH 6:00 A.M. ON MONDAY, JULY 3, 2006, FOR THE EL PASO DOWNTOWN STREET FESTIVAL.**

Mayor Pro Tempore O'Rourke commented.

Mr. Rudy Valdez, Development Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Motion duly made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Castro, Holguin, Steve Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Lozano and Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 16372

The Deputy City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A LEASE AND A SPECIAL PRIVILEGE TO ETHICON ENDO SURGERY, INC. TO PERMIT AND REGULATE THE CONSTRUCTION, MAINTENANCE, AND USE OF A FIBER OPTIC CABLE TELECOMMUNICATIONS SYSTEM ON THE ZARAGOZA BRIDGE AND ACROSS, OVER, AND UNDER PORTIONS OF CITY-OWNED PROPERTY AND PUBLIC RIGHT-OF-WAY ALONG ZARAGOZA DRIVE WITHIN THE CITY OF EL PASO. THE FOLLOWING CONSIDERATION IS TO BE PAID TO THE CITY: \$1,320.00 (SPECIAL PRIVILEGE ANNUAL FEE), ANNUAL LEASE FEE (\$730.00), AND MONTHLY BRIDGE FEE (\$1,000.00). THE BRIDGE FEE WILL BE CREDITED FOR SEVENTY-FIVE (75) MONTHS IN EXCHANGE FOR THE GRANTEE'S INSTALLATION OF OVERSIZED INFRASTRUCTURE FOR THE BENEFIT OF THE CITY AS SET FORTH IN THE AGREEMENT.**

Representatives Holguin and Byrd commented.

The following members of City staff commented:

1. Mr. Rudy Valdez, Development Services, presented a PowerPoint presentation (on file in the City Clerk's office).
2. Mr. Daryl Cole, Streets Department

Motion duly made by Representative Holguin, seconded by Representative Byrd, that the Ordinance be **ADOPTED AS REVISED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Castro, Holguin, Steve Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Lozano and Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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Motion made by Representative Byrd, seconded by Representative Steve Ortega, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:36 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- EX1.** Ernesto Casas vs. The City of El Paso; Cause No. EP-06-CA-0101-PRM (551.071).
- EX2.** The International Commercial Bank of China, Los Angeles Branch v. Mediacopy Texas, Inc., et. al.; Cause No. 2005-1987 (551.071).
- EX3.** Continental AFA Dispensing Co., Our File No. 06-C-089. (551.071).

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega, and unanimously carried to **ADJOURN** the Executive Session at 8:59 a.m. and reconvene the meeting of the City Council, during which time motions were made.

.....
Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and carried that the City Attorney's Office be authorized to **REJECT** Plaintiff's settlement demand in the lawsuit styled Ernesto Casas v. The City of El Paso; Cause No. EP-06-CA-0101-PRM.

AYES: Representatives Lilly, Byrd, Castro, Holguin, Steve Ortega and O'Rourke
NOT PRESENT FOR THE VOTE: Representatives Lozano and Presi Ortega, Jr.

.....
Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and carried that the City Attorney's Office be authorized to **NEGOTIATE SETTLEMENT** in the lawsuit styled *International Commercial Bank of China, Los Angeles Branch v. Mediacopy Texas, Inc., et. al.*; Cause No. 2005-1987.

AYES: Representatives Lilly, Byrd, Holguin, Steve Ortega, and O'Rourke
NAYS: Representative Castro
NOT PRESENT FOR THE VOTE: Representative Lozano and Presi Ortega, Jr.

.....
Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and carried that the CITY OF EL PASO authorizes the City Manager to **ENTER INTO A SETTLEMENT AGREEMENT** with Continental AFA Dispensing Company regarding Claim No. 06-C-089; and that the City Attorney's Office is authorized to take any and all action necessary to protect the City's interests, both affirmative and defensive, including the pursuit of all remedies applicable to such claim and to enforce and address the City's position regarding this or related matters.

This Motion is intended to grant broad authority to the City Attorney's Office to take any action necessary to address these matters, including but not limited to, the initiation of and response to, litigation, complaints, and any other administrative or judicial proceeding or process, in consultation with the City Manager.

AYES: Representatives Lilly, Byrd, Castro, Holguin, Steve Ortega, and O'Rourke
NOT PRESENT FOR THE VOTE: Representatives Lozano and Presi Ortega, Jr.

.....
Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and carried to **ADJOURN** this meeting at 11:29 a.m.

.....
APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk